

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN ABERNATHY,)
)
)
Plaintiff,) Civil Action No. 2:12-cv-1119
v.)
)
INDIANA UNIVERSITY OF) Judge Mark R. Hornak
PENNSYLVANIA, et al.,)
)
Defendants.)

ORDER OF COURT

AND NOW, this 7th day of January, 2013, for the reasons set forth in the Court's oral ruling on the record in open court on this date, it is **ORDERED** that Defendants' Motion to Dismiss (ECF No. 8) is **GRANTED** as follows:

- All of Plaintiff's claims for monetary relief sounding in contract law of any type and against any Defendant are DISMISSED WITH PREJUDICE;
- All of Plaintiff's claims against Defendant Indiana University of Pennsylvania, and against Defendants Dandeneau, Mack, and Kilmarx in their official capacities are DISMISSED WITH PREJUDICE; and
- All of Plaintiff's remaining claims against Defendants Dandeneau, Mack, and Kilmarx in their individual capacities are DISMISSED WITHOUT PREJUDICE. It is **ORDERED** that Plaintiff is granted leave to file an Amended Complaint by no later than February 7, 2013, which alleges in detail the specific acts taken by each individual that deprived Plaintiff of his constitutional rights, and what rights of Plaintiff's were allegedly violated.



Mark R. Hornak
United States District Judge

cc: All counsel of record
Joseph Abernathy, pro se